

Exhibit A

Former jailer admitted falsifying log in Sandra Bland's death, lawyer says



Image 1 of 10

A video of Sandra Bland going through magistration in the Waller County Jail is shown during a media conference at the Waller County Courthouse Tuesday, July 24, 2015 in Hempstead.

The lawyer for Sandra Bland's mother said a former Waller County Jail guard told him under oath that he falsified entries on a jail log, indicating he checked on Bland in the hour before she was found dead when he did not.

But the lawyer for Waller County, who was also present at the recent deposition, challenged the lawyer's description of the former jailer's testimony.

"Numerous depositions have been taken in the case involving dozens of hours of testimony," lawyer Larry Simmons said in a written statement. "It is a gross miscarriage of justice and a misrepresentation for any party to cherry-pick or mischaracterize a small portion of that testimony, and take it out of context."

A source familiar with the state's investigation of Bland's death confirmed that special prosecutors were told about the falsified records but that a Waller County grand jury decided not to indict anyone associated with the sheriff's office.

The jailer, a relatively new employee, relied on instructions he had been given to log future checks after he finished making rounds, the source said.

Similar violations have led to criminal indictments or disciplinary actions against Texas jailers who forged observation logs and other internal reports. Tampering with a government document is a violation of state law that can range from a misdemeanor to a felony.

Emblem of movement

Bland, 28, died in the jail July 13, 2015, three days after she was arrested during a confrontational traffic stop with a Texas Department of Public Safety trooper who pulled her over for failing to use a turn signal.

Her death, ruled a suicide, became an emblem for the Black Lives Matter movement across the country, coming amid a wave of high-profile deadly encounters between law enforcement and African-Americans that prompted nationwide protests.

Bland's mother, Geneva Reed-Veal, filed a federal lawsuit in Houston, accusing county officials and law enforcement of "willful and wanton" negligence in her daughter's death.

Her attorney, Cannon Lambert, said the jailer told him in the deposition he noted in the jail log he observed Bland in her cell at 8:01 a.m., less than an hour before she was found strangled by a noose made from a plastic trash bag.

In fact, jailers never checked on Bland or about a dozen other inmates that hour, Lambert said.

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"There's no question that it did not happen," Lambert said.

Simmons, who represents Waller County and 12 county employees named in the lawsuit, offered a differing account of the jailers' actions.

"The overwhelming testimony has been that the Waller County jail staff treated Sandra Bland with courtesy and respect, and even afforded her special privileges, including giving her free access to the jail staff's toll free phone, which she used to reach out to her family," he wrote.

He declined to comment further, saying U.S. District Judge David Hittner "has directed the parties to not try their cases in the media."

Lambert said he has taken sworn statements from 15 witnesses during the past two weeks, including four who worked for the county at the time of Bland's death.

The former jailer, Rafael Zuniga, testified he wrote in the log on July 13, 2015, that he had checked cell 95, where Bland was held on a charge of assaulting the trooper.

Copies of the jail logs obtained by the Chronicle from the Texas Commission on Jail Standards show the handwritten notations. The log shows a check of Bland's cell at 8:01 a.m., then again at 8:54 a.m. when another guard found her hanging.

The log ends with a reported check of the cell at 9:42 a.m.

Improper cell checks

The state jail commission investigation concluded that Waller County Jail officials failed to comply with state law requiring hourly, face-to-face checks of jail inmates, saying they relied instead on a jailer's conversation

with Bland via intercom. The state report did not mention that records might have been falsified.

Brandon Wood, the jail commission's executive director, said the recent testimony doesn't change the state's conclusions.

"We would still consider it a missed check, in the same way we wrote it up initially," he said. "If somebody wanted to pursue it further, and file charges on them for falsification of a governmental record, that would be done through the district attorney or possibly the attorney general's office."

In April, an independent committee that had scrutinized a wide range of issues at the jail called for construction of a detention facility, body cameras for officers, medical and mental health screening for all inmates, stress management training for deputies and a ban on demeaning language directed at inmates.

The sheriff's office has since instituted a new, electronic system that sounds an alarm if jailers do not walk their rounds within a certain period of time.

Civil rights activists said Thursday the revelations of falsified records raise new concerns about the treatment of inmates.

"It shows that, at the time, there was a failure to take their responsibilities seriously," said Diana Claitor, of the Austin-based Texas Jail Project, which advocates for jail inmates across the state. "At least in this case, the new (monitoring) system would mean the jailer is at least present at the location of the inmate, so that's some improvement."

Amin Alehashem, with the Texas Civil Rights Project, said the practice could have contributed to the problems.

"If someone there with decision-making authority knew what was going on, and allowed it to continue, it could raise serious constitutional issues as well," he said. "If they know there's a practice going on of falsifying records, that could potentially impact safety of those in their custody ... They could be injured, could commit suicide."

Similar case in Harris County

In Harris County, two jailers were indicted for falsifying jail logs and other documents in a high-profile case over the detention of Terry Goodwin, a mentally ill inmate kept in a filthy cell for weeks.

After the case was made public, then-Sheriff Adrian Garcia fired six employees and disciplined about two dozen others. Harris County ultimately paid \$400,000 to settle a lawsuit brought by Goodwin and his family.

Meanwhile, in the federal lawsuit over Bland's death, the judge ordered the parties this week to try to reach a settlement through mediation.

A misdemeanor perjury charge is pending in state court against the DPS trooper, Brian Encinia, who arrested Bland on July 10, 2015.

And Zuniga and another jail guard named in the federal lawsuit ended their employment and joined the Waller City Police Department a few weeks after Bland's death.

In the past year, at least 816 other people have died in jails across the U.S., according to an investigation by

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The Huffington Post. Of those, 31 percent of those deaths were by suicide.